

# House File 2001 - Introduced

HOUSE FILE \_\_\_\_\_  
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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to military leaves of absence and reemployment.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 5574HH 82  
4 ec/nh/24

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1 1 Section 1. Section 29A.8A, Code 2007, is amended to read  
1 2 as follows:  
1 3 29A.8A STATE MILITARY SERVICE.  
1 4 If federal funding and authorization exist for this  
1 5 purpose, the governor may order to state military service the  
1 6 military forces of the Iowa army national guard or Iowa air  
1 7 national guard as the governor may deem appropriate for the  
1 8 purposes of homeland security, homeland defense, or other  
1 9 duty. A state employee shall take either a full day's leave  
1 10 in accordance with section 29A.28 or eight hours of  
1 11 compensatory time on a day in which the state employee  
1 12 receives a full day's pay from federal funds for national  
1 13 guard duty.  
1 14 Sec. 2. Section 29A.28, subsection 1, Code Supplement  
1 15 2007, is amended to read as follows:  
1 16 1. a. All officers and employees of the state, a  
1 17 subdivision thereof, or a municipality, other than employees  
1 18 employed temporarily for six months or less, who are members  
1 19 of the national guard, organized reserves or any component  
1 20 part of the military, naval, or air forces or nurse corps of  
1 21 this state or nation, or who are or may be otherwise inducted  
1 22 into the military service of this state or of the United  
1 23 States, or who are members of the civil air patrol, shall,  
1 24 when ordered by proper authority to state active duty, state  
1 25 military service, or federal service, or when performing a  
1 26 civil air patrol mission pursuant to section 29A.3A, be  
1 27 entitled to a leave of absence from such civil employment for  
1 28 the period of state active duty, state military service,  
1 29 federal service, or civil air patrol duty without loss of  
1 30 status or efficiency rating, and without loss of pay during  
1 31 the first thirty days of such leave of absence.  
1 32 b. Where state active duty, state military service,  
1 33 federal service, or civil air patrol duty is for a period of  
1 34 less than thirty days, a leave of absence under this section  
1 35 shall only be required for those days that the civil employee  
2 1 would normally perform services for the state, subdivision of  
2 2 the state, or a municipality. The provisions of this section  
2 3 shall also apply to a leave of absence by a member of the  
2 4 national disaster medical system of the United States when  
2 5 activated for federal service with the system. If the workday  
2 6 for a civil employee encompasses more than one calendar day,  
2 7 the civil employee shall only be required to take a leave of  
2 8 absence for one day for that workday if a leave of absence is  
2 9 required under this paragraph.  
2 10 Sec. 3. Section 29A.43, subsection 1, Code 2007, is  
2 11 amended to read as follows:  
2 12 1. A person shall not discriminate against any officer or  
2 13 enlisted person of the national guard or organized reserves of

2 14 the armed forces of the United States or any member of the  
2 15 civil air patrol because of that membership. An employer, or  
2 16 agent of an employer, shall not discharge a person from  
2 17 employment because of being an officer or enlisted person of  
2 18 the military forces of the state or member of the civil air  
2 19 patrol, or hinder or prevent the officer or enlisted person or  
2 20 member of the civil air patrol from performing any military  
2 21 service or civil air patrol duty the person is called upon to  
2 22 perform by proper authority. A member of the national guard  
2 23 or organized reserves of the armed forces of the United States  
2 24 ordered to temporary duty, as defined in section 29A.1,  
2 25 subsection 3, 11, or 12, or a member of the civil air patrol  
2 26 performing duty pursuant to section 29A.3A, for any purpose is  
2 27 entitled to a leave of absence during the period of the duty  
2 28 or service, from the member's private employment, ~~other than~~  
2 29 ~~unless the employment is of a temporary nature, and upon,~~

2 30 Upon completion of the duty or service the employer shall  
2 31 restore the person to the position held prior to the leave of  
2 32 absence, or employ the person in a similar position of like  
2 33 seniority, status, and pay. However, the person shall give  
2 34 evidence to the employer of satisfactory completion of the  
2 35 ~~training or duty or service,~~ and that the person is still  
3 1 qualified to perform the duties of the position. The period  
3 2 of absence shall be construed as an absence with leave, and  
3 3 shall in no way affect the employee's rights to vacation, sick  
3 4 leave, bonus, or other employment benefits relating to the  
3 5 employee's particular employment. ~~A person violating a~~

~~3 6 provision of this section is guilty of a simple misdemeanor.~~

3 7 Sec. 4. Section 29A.43, Code 2007, is amended by adding  
3 8 the following new subsection:

3 9 NEW SUBSECTION. 3. A person violating a provision of this  
3 10 section is guilty of a simple misdemeanor. Violations of this  
3 11 section shall be prosecuted by the attorney general or the  
3 12 county attorney of the county in which the violation occurs.

3 13 EXPLANATION

3 14 This bill concerns leaves of absences from work for  
3 15 purposes of military service.

3 16 Code section 29A.28, concerning leaves of absence for state  
3 17 and local government employees, is amended to provide that a  
3 18 government employee is only required to take a leave of  
3 19 absence for one day for each workday the employee is required  
3 20 to take a leave of absence even if the employee's typical  
3 21 workday encompasses more than one calendar day.

3 22 Code section 29A.43, concerning leaves of absence for  
3 23 employees generally, is amended to provide that a person  
3 24 returning from military duty shall, if not restored to the  
3 25 position held prior to the leave of absence, be restored to a  
3 26 position of like seniority, status, and pay. Current law  
3 27 provides that if the person is not restored to the same  
3 28 position, the employer is required to restore the person to a  
3 29 similar position. The bill also provides that violations of  
3 30 Code section 29A.43 shall be prosecuted by the attorney  
3 31 general or the county attorney of the county in which the  
3 32 violation occurred.

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3 34 ec/nh/24